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**FISCAL IMPACT STATEMENT**

**LS 6567**

**BILL NUMBER:** HB 1055

**NOTE PREPARED:** May 4, 2011

**BILL AMENDED:** Apr 29, 2011

**SUBJECT:** Adult guardianships and protective proceedings.

**FIRST AUTHOR:** Rep. Foley

**FIRST SPONSOR:** Sen. Zakas

**BILL STATUS:** Enrolled

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** No Fiscal Impact

**Summary of Legislation:** This bill does the following:

- (1) Enacts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.
- (2) Governs issues concerning original jurisdiction, registration, transfer, and out-of-state enforcement of guardianships and protective orders appointed or issued for adults.
- (3) Specifies the notice requirements following court action on a petition to appoint a temporary guardian.
- (4) Authorizes a parent of a minor or a guardian of a protected person to designate a standby guardian effective upon the death or incapacity of the parent or guardian.
- (5) Specifies the information required in a declaration designating a standby guardian.
- (6) Provides that the declaration is not binding upon the juvenile justice system with respect to the placement of a child who is subject to an allegation of abuse or neglect; an open child in need of services case; or an open delinquency case.
- (7) Provides that the declaration is effective for 90 days unless the standby guardian files a petition for guardianship, in which case the declaration is effective until the court rules on the petition.
- (8) Provides that a delegation of parental powers by power of attorney is effective immediately.
- (9) Makes conforming changes, including changing the duration of a temporary guardianship from 60 days to 90 days.
- (10) Corrects a formula determining the amount of property interests that a joint holder may disclaim after the death of another joint owner if, during the deceased holder's lifetime, the deceased holder could have unilaterally regained a part of the jointly held property without the consent of any other holder.

(The introduced version of this bill was prepared by the Probate Code Study Commission.)

**Effective Date:** Upon passage.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:**

**Information Sources:**

**Fiscal Analyst:** Bill Brumbach, 317-232-9559.